## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION CIVIL CASE NO. 5:18-cv-00162-MR

MARCUS A. THORPE,								
		Plaintiff	,	)				
vs.					) ) )			
DERRICK COPELAND, et al.,				)	, ) )			
		Defenda	ants.	) )				
	THIS	MATTER can	ne on for t	trial and	was heard l	by the u	ındersigned	
judg	je, and	a jury was duly	empanele	ed and ar	nswered the	issue p	resented as	
follo	ws:							
1.	Were	Were the actions of all the Defendants objectively reasonable?						
	Answer: YES							
2.	Were	e the actions	of each	named	Defendant	below	objectively	
	reasonable?							
	(a)	Derrick Copela	and		Yes	No		
	(b)	Christopher Jo	ohnson		Yes	No		
	(c)	Joshua Quinn			Yes	No		
	(d)	John Snyder			Yes	No		

	(e)	Robert Virtue	Yes	No				
	Ansv	Answer: [Not answered in light of response to Issue No. 1].						
3.	Did 1	Did the named Defendant use excessive force against the Plaintiff (in						
	violation of Plaintiff's Eighth Amendment rights)?							
	(a)	Derrick Copeland	Yes	No				
	(b)	Christopher Johnson	Yes	No				
	(c)	Joshua Quinn	Yes	No				
	(d)	John Snyder	Yes	No				
	(e)	Robert Virtue	Yes	No				
	Answer: [Not answered in light of response to Issue No. 1].							
4.	Was	Was such excessive force a proximate cause of an injury to Plaintiff?						
	(a)	Derrick Copeland	Yes	No				
	(b)	Christopher Johnson	Yes	No				
	(c)	Joshua Quinn	Yes	No				
	(d)	John Snyder	Yes	No				
	(e)	Robert Virtue	Yes	No				
	Answer: [Not answered in light of response to Issue No. 1].							

What amount of damages is the Plaintiff entitled to recover?
Answer: [Not answered in light of response to Issue No. 1].

Based on the foregoing fact as found by the jury, the Court concludes as a matter of law that the Defendants Derrick Copeland, Christopher Johnson, Joshua T. Quinn, John F. Snyder, and Robert J. Virtue are entitled to the protection of qualified immunity and are not liable to the Plaintiff Marcus A. Thorpe under 42 U.S.C. § 1983 for violation of his right to be free from excessive force.

The Court previously entered an Order dismissing with prejudice the Plaintiff's claims against Defendant Anita J. Gowans pursuant to Rule 56 of the Federal Rules of Civil Procedure and an Order dismissing without prejudice Defendants Phillip A. Carswell and David A. Stephens for Plaintiff's failure to prosecute his case against them. [Docs. 69, 73]. After Plaintiff's presentation of evidence, the Court on Defendants' oral motion for judgment as a matter of law dismissed Defendants David J. Davis, Nathan E. Wyatt, and Curtis D. Sauberan. [3/21/2023 Docket Entry].

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that based on the verdict of the jury Defendants Derrick Copeland, Christopher Johnson, Joshua T. Quinn, John F. Snyder, and Robert J. Virtue are not liable to the Plaintiff Marcus A. Thorpe under 42 U.S.C. § 1983 for violation

of his right to be free from excessive force, and based thereon and based on the Court's prior rulings, including the dismissal of Defendants on the Rule 50 Motion, the Plaintiff shall recover nothing of the Defendants.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this action is **DISMISSED WITH PREJUDICE** in its entirety.

IT IS SO ORDERED.

Signed: March 30, 2023

Martin Reidinger

Chief United States District Judge